Hedstrom Corp. v. JumpSport, Inc.
Case No. 03 12308 PBS

Exhibit C

to Declaration of Daniel J. Kroll
in Support Of Defendant JumpSport, Inc.'s Motion to Dismiss or Transfer

120336.1

NOT FOR CITATION

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

JUMPSPORT, INC.,

Plaintiff,

v.

JUMPKING, INC., et al.

Defendants.

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No. C 01-4986 PJH

FINAL CONSOLIDATED CLAIM CONSTRUCTION ORDER

The following claim constructions shall apply in the interpretation of U.S. Patent Nos. 6,053,845 and 6,251,207 B1.[1]

Disputed Term	Construction	Citation
Safety enclosure	something that surrounds or encloses a space or surface to protect against the risk of injury from fall-offs or frame impacts to a person inside the enclosure	April 1, 2003 Claim Construction Order ("4/1/03 Order")
Therearound	surrounding at least the rebounding mat of the trampoline and reaching or abutting the plural independent poles	4/1/03 Order
Plural independent poles; posts; support members	more than one structurally supportive member that is elongated and often cylindrical (or pieces of the same that connect together to form one pole) wherein each pole is not connected to another pole above the surface of the mat in a substantively inflexible manner.	July 18, 2003 Order Granting Motion for Reconsideration, amending 4/1/03 Order; parties' stipulations.

[1] This order is issued for the convenience of the jury, parties, and court, and does not serve to restart any disclosure schedules set forth in the patent local rules.

Coupled to said independent poles and to the rebounding mat	connected to the independent poles and to the rebounding mat, either directly or through a discrete coupling device that is not an element of the trampoline or enclosure	June 2, 2003 Order Denying Motion for Summary Judgment at 11 n. 12.
Wherein the coupling of the safety enclosure to both the independent poles and to the rebounding mat helps in absorption of impact forces to the safety enclosure	by being connected to both the independent poles and the rebounding mat, the safety enclosure utilizes the impact absorption properties of both to absorb the forces of an impact to the enclosure	4/1/03 Order
Flexible top/bottom line	flexible material added to or existing along the netting to add strength and/or support. The top/bottom line can be integral to, woven from, woven into, or later added to the netting	4/1/03 Order
Extends between upper end portions of adjacent poles	goes between nearby poles near the tops of the poles, whether or not directly attached to the poles	4/1/03 Order
A plurality of brackets,	more than one member or structure connected to a structure (such as a pole) to support or provide a means of attachment for another part of the device	4/1/03 Order
Each bracket defining at least one opening	each bracket has an accessible portion into or through which the top line can be placed	4/1/03 Order
End cap	a covering for the top of the pole	4/1/03 Order
The end cap having a shock absorbing element positioned so that the cap absorbs energy when force is applied to the cap	the end cap is made in a shape or of a material or materials capable of absorbing energy from a sideways, downward, or upward force or impact to the cap	4/1/03 Order
Resilient sheath	foam covers on the poles	parties' stipulation (4/1/03 Order)

The netting is coupled to each pole through its resilient sheaths at plural points therealong, wherein an impact by a jumper against the netting nearest to a first pole is absorbed, in part, by resilient sheaths on plural points remote to the first	each pole has a resilient sheath and the netting is attached to each pole at more than one point, so that the energy from the contact by a jumper into the netting near one pole is also absorbed in part or received in part by the resilient sheaths on one or more poles other than the pole nearest the impact	4/1/03 Order
Secured to the wall support portions of the posts and to the top line	connected to the posts (including the end caps, if any) at a position above the trampoline bed, and to the top line	June 10, 2003 Supplemental Claim Construction Order ("6/10/03 Order"), clarifying 4/1/03 Order
Each post being secured to both the frame and one of the legs	each post is attached or connected to both an element of the frame and to one of the legs of the trampoline	4/1/03 Order
The frame, the legs, the poles, and the flexible material being interconnected such that at least some of the poles can bow and act as tubular springs that can become loaded with energy in the manner of a drawn bow when a person in the chamber impacts the flexible material and that can distribute impact forces from the flexible material to the legs, whereafter energy stored in the poles is promptly released as a reaction force that urges the impacted portion of the flexible material back toward the center of the chamber, which pushes the person back towards the center of the chamber	each element (consisting of the frame, the legs, the poles, and the flexible material) is attached to at least one of the other elements such that when a person contacts the flexible material, at least some of the poles can flex or bow and store energy, then return to their original shape and release energy (thereby acting as tubular springs). When a jumper impacts the flexible material, the force of the impact is distributed from the flexible material to the poles and into the legs, and the energy stored in the poles is released, so that the flexible material is moved toward the center of the chamber, pushing the jumper back towards the center of the chamber.	4/1/03 Order
Fence netting	a barrier made of a material of crossed, twisted, or knotted cords, threads, ropes, fiber, or the like, with open spaces between	6/10/03 Order

Permits constrained movement of upper end portions of two adjacent poles relative to one another	allowing limited movement but preventing the poles from moving away from each other to any great extent	6/10/03 Order
Impact is partially absorbed by one or more of the resilient sheaths	the energy from the impact by a jumper into the flexible material is absorbed in part by one or more of the resilient sheaths	6/10/03 Order
Two overlapping portions of the flexible material/fence netting define a passageway that permits access to the chamber Flexible material has overlapping end portions that provide a flap door	two ends of the flexible material overlap to form a passageway or flap door that permits access into the enclosure	6/10/03 Order

IT IS SO ORDERED.

Dated: August 21, 2003

PHYLLIS J. HAMILTON
United States District Judge

United States District Court
For the Northern District of California